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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 6 of the provisional agenda
Implementation of articles 21 and 22 of the Convention

Reports by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities

Report of the International Labour Office*

Summary

In accordance with article 22 of the Convention on the Elimination of All Forms of Discrimination against Women, the specialized agencies of the United Nations system were invited to submit to the Committee on the Elimination of Discrimination against Women reports on the implementation of the Convention in areas falling within the scope of their activities. The present report contains information on the indications gathered by the International Labour Office concerning the situation of individual countries whose national reports will be considered by the Committee at its sixty-sixth session.

* The present document was submitted late owing to delayed inputs from other sources.

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I. Introduction

1. The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women are dealt with in a number of conventions of the International Labour Organization (ILO). Of the 189 conventions adopted to date, the information herein relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 172 member States
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 173 member States
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 44 member States

2. Where applicable, reference is made to a number of other conventions relevant to the employment of women:

Forced labour

- Forced Labour Convention, 1930 (No. 29), and its Protocol of 2014
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)
- Maternity Protection Convention, 2000 (No. 183)

Night work

- Night Work (Women) Convention (Revised), 1948 (No. 89), and its Protocol of 1990

- Night Work Convention, 1990 (No. 171)

Underground work

- Underground Work Convention, 1935 (No. 45)
- Safety and Health in Mines Convention, 1995 (No. 176)

Migrant workers

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Indigenous peoples

- Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Part-time work

- Part-Time Work Convention, 1994 (No. 175)

Home work

- Home Work Convention, 1996 (No. 177)

Domestic workers

- Domestic Workers Convention, 2011 (No. 189)

3. The application of ratified conventions is supervised by the ILO Committee of Experts on the Application of Conventions and Recommendations, a body of independent experts from around the world, which meets annually. The information submitted in section II of the present report consists of summaries of observations and direct requests made by the Committee. Observations are comments published in the annual report of the Committee, produced in English, French and Spanish, which are submitted to the Committee on the Application of Standards of the International Labour Conference. Direct requests, produced in English and French, and, in the case of Spanish-speaking countries, also in Spanish, are not published in book form, but are made public. At a later date, they are published in the ILO database of supervisory activities, NORMLEX.

4. The information below sets out brief references to the much more detailed comments made by the ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in section II can be found in the NORMLEX database at www.ilo.org/dyn/normlex/en.

5. It will be noted that, in its own comments, the Committee of Experts often includes references to the information submitted by Governments to the Committee on the Elimination of Discrimination against Women or to the other treaty bodies, as well as to reports issued by those bodies.

II. Indications concerning the situation of individual countries

A. El Salvador

6. Of the relevant ILO conventions, El Salvador has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 142 and 182.

Comments made by the supervisory bodies of the International Labour Organization

7. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

8. In its direct request of 2012, the Committee recalled that it had been referring for years to the fact that, under article 38 (1) of the Constitution, section 123 of the Labour Code and section 19 of the Standard Work Regulations for the Private Sector, the principle of equal remuneration for men and women applied only where the work performed was equal and performed in the same enterprise and under identical circumstances. The Committee noted that, pursuant to the Act on Equality, Equity and the Eradication of Discrimination against Women (Decree No. 645 of 8 April 2011), the State should adopt policies for the elimination of all wage discrimination between men and women who performed the same job or work. It also noted the statistical information provided by the Government indicating the existence of extensive occupational gender segregation. Pointing out that the concept of work of equal value was fundamental in addressing occupational segregation, the Committee asked the Government to take the measures necessary to give full legislative expression to the principle of equal remuneration for men and women for work of equal value and to provide information on any concrete measures taken or envisaged to reduce the existing marked occupational segregation.

9. The Committee noted that no amendments or reforms had been adopted for the incorporation of the principle of "work of equal value" into the Civil Service Act and asked the Government to take the measures necessary to include it.

10. Moreover, the Committee noted that the self-assessment guide for labour standards and the guide to programmed inspections used by the labour inspection services referred only to the concept of "equal work" and that, in their activities, labour inspectors promoted the principle set out in the Labour Code, which was more restrictive than that established by Convention No. 100. The Committee asked the Government to take the measures necessary to ensure that labour inspectors were trained on the principle of equal remuneration for men and women for work of equal value, including on how to detect and address unequal remuneration, and on the concept of "work of equal value".

11. The Committee noted that, according to information provided by the El Salvador Institute for Women's Development, the impact of the Plan of Action

2005-2009 had been moderate because it had not been used as a tool to reduce gender inequality or to change public policies with a view to reducing the gender gap: activities had mainly focused on raising awareness of the issue in general, without dealing with the causes or reforming institutions. The Committee noted from the Government's report that an institutional gender diagnosis would be undertaken with a view to mainstreaming equality in the State's institutions and that indicators would be drawn up to assess the impact of the measures taken. It asked the Government to provide information on the outcome of the gender analysis. Noting that the Plan of Action was based on the principle of equal work, the Committee urged the Government to ensure that all the measures adopted under it would be based on the principle of "equal remuneration for work of equal value", as set out in Convention No. 100.

12. The Government also indicated that the Institute was preparing plans for equality and the eradication of discrimination and a system for substantive equality, and that it was planning to establish gender units in the various State institutions and developing a system of gender indicators.

13. The Committee noted the Government's indication that, in 2011 and 2012, the Institute had prepared two reports as part of the implementation of the policy on women. The first, on the updated national policy on women, addressing measures up to 2014, had the specific objective of wage equality, which implied ensuring the application of the principle of equal wages for equal work. The second, an assessment of the autonomy of women in El Salvador, addressing progress and retrogression on the road to peace in the period 1992-2012, described developments in the participation of women in the labour market and in education and according to which there remained cultural gender bias in the determination of income from work.

Convention No. 111

14. In its observation of 2012, the Committee recalled that, for a number of years, it had been referring to cases in which women had been obliged to take pregnancy tests in order to apply for or remain in employment and to the dismissal of women with disabilities, particularly in the export processing zones and in the industrial, trade and services sectors. The Committee noted the Government's statement that, between June 2009 and July 2012, the Special Unit on Gender and the Prevention of Discriminatory Labour Practices had carried out 701 inspections in export processing zones, 186 of which had given rise to procedures for the imposition of fines. It further noted that inspections had also been carried out at the request of the interested parties following the dismissal of pregnant women and that the Special Unit also undertook activities to disseminate Ministerial Circular No. 001/05 prohibiting employers from requiring HIV or pregnancy tests from women.

15. The Committee noted with interest the adoption of the Act on Equality, Equity and the Eradication of Discrimination against Women, which it stated was of general application and adopted a cross-cutting approach to the elimination of both direct and indirect discrimination in law and practice. The Act, it further noted, also provided that the Office of the Public Prosecutor was responsible for defending, guaranteeing and promoting equality and non-discrimination against women, and

would accordingly establish an appropriate department as part of its structure and organization.

16. The Committee noted the Government's indication that its gender equality policy was implemented through its Five-Year Development Plan 2009-2014, which included a national policy for women, updated and adopted by the El Salvador Institute for Women's Development. The Government also referred to the creation of women's units at the municipal level and the formulation of municipal gender equality policies. Nevertheless, the Committee noted that the statistics supplied by the Government showed a serious gap in the participation of men and women in management positions in both the public and the private sectors and in both urban and rural areas.

17. The Committee noted the adoption of the Special Comprehensive Act on a Life Free from Violence for Women (Decree No. 520 of 25 November 2010), covering harassment at work and physical, sexual, psychological, emotional and work-related violence where there existed a relationship of power or trust. The Act, it also noted, stipulated that the offences covered were subject to criminal action and lay down procedural guarantees for women who were the victims of acts of violence, together with specific penalties for the various offences. The Committee further noted that the Institute was the body responsible for implementing the Act, preparing a framework policy and ensuring its enforcement, and that it, along with other institutions, had adopted a strategy for preventing sexual harassment involving public awareness and information measures. It noted, however, that the Act did not define sexual harassment at work clearly, in terms of including both quid pro quo and hostile working environment sexual harassment, and that it was unclear whether the Act covered harassment by colleagues at work.

18. In its direct request of 2012, the Committee noted the Government's indication that, in 2008, the Special Unit on Gender and the Prevention of Discriminatory Labour Practices had identified five cases of sexual harassment, one of which had resulted in a fine. The four remaining cases had been closed for lack of proof of sexual harassment. During the period between January and June 2009, the Special Unit had investigated four cases of sexual harassment, which had been closed for lack of evidence. The Committee once again invited the Government to consider the adoption of specific measures guaranteeing protection against sexual harassment in the workplace.

19. The Committee noted, from the information provided by the Government, that there was marked occupational segregation from the training stage and requested the Government to take appropriate measures in that regard.

20. The Committee noted the adoption of measures to improve women's access to the labour market in rural areas, including the decentralization of public employment services to regional or departmental offices, the implementation of the land distribution programme for rural women by the Salvadoran Agrarian Transformation Institute, training for the production of various goods, and the distribution of seeds.

21. Furthermore, the Committee noted the development of measures, actions, circulars and programmes by the Government to familiarize employers and workers with labour rights, such as the handbook on affirmative action to promote gender

equality in employment generation adopted under the National Occupational Training and Labour Integration Project.

22. With reference to measures to reinforce the technical and operational capacities of inspectors, the Committee noted that, in July 2009, the Training Centre for Labour Rights and Duties had been inaugurated as the institution responsible for providing training to workers, employers and persons employed in the Ministry of Labour on subjects related to discrimination in employment and occupation. The Committee also noted that inspectors received training on preventing and dealing with sexual harassment, gender issues, reducing the stigmatization of and discrimination against vulnerable groups, and the training of gender trainers.

Convention No. 182

23. In its direct request of 2014, the Committee observed that girls were often informally employed in domestic work under very difficult and degrading conditions.

24. The Government's most recent reports on Conventions Nos. 100 and 111 were examined by the Committee of Experts at its session in November-December 2016. New comments by the Committee will be made publicly available in February 2017.

B. Germany

25. Of the relevant ILO conventions, Germany has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 97, 98, 105, 122, 138, 142, 176, 182 and 189.

Comments made by the supervisory bodies of the International Labour Organization

26. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 97

27. In its direct request of 2012, the Committee noted that a main focus of the National Action Plan for Integration was the integration of migrant women and girls and that studies undertaken by the Federal Office for Migration and Refugees had indicated the importance of adequate training for the integration of migrant women into the labour market.

Convention No. 100

28. In its direct request of 2013, the Committee noted the Government's indication that the unadjusted wage differential between men and women had been 22 per cent in 2012. The Government had also indicated that it considered that addressing the structural causes of the gender pay gap should be tackled as a matter of priority, including women's low representation in certain occupations and sectors and at higher levels and those structural causes that were due to family responsibilities and

to the failure of individual and collective negotiations to make a substantial contribution to the undervaluation of work typically done by women.

29. With regard to measures taken to reduce horizontal occupational segregation, the Committee noted the Government's indication that it had instituted both Girls' Day and Boys' Day, during which young women and men were provided with information on employment opportunities in sectors in which they were underrepresented. Regarding vertical segregation, the Committee noted that the Government had also adopted measures to promote women's access to senior management positions.

30. The Committee noted the Government's indication that it had adopted policies with a view to improving the reconciliation of work and family responsibilities for men and women by promoting paternity leave, providing greater access to childcare facilities and supporting women's re-entry into the workplace following career breaks for family reasons. The Government drew attention to its parental benefits policy allowing parents to care for their children during the first year of life by replacing 65-67 per cent of the stay-at-home parent's average net income in the year preceding the child's birth. The Committee noted that the proportion of fathers claiming parental benefits had risen from 3.5 to 27.3 per cent between 2006 and 2011.

31. With regard to the public service, the Committee noted the Government's indication that the objectives of non-discrimination and equal pay for men and women had been implemented through the collective agreement for the public service, which included a litigation agreement that there should be no wage discrimination. It also noted the Government's indication that longer career breaks and reduced working hours tended to have a negative impact on earnings prospects. The Government reported that the law amending civil service labour regulations of 2009 provided that pregnancy, maternity and parental leave could not have an adverse effect on hiring and career advancement.

32. The Committee further noted the Government's indication that numerous regulations in collective wage agreements promoted the implementation of the principle of the Convention, including regulations that supported the compatibility of work and family and enabled women to increase their working hours in order to overcome pay inequality. It also noted that the federal Family Ministry had sponsored a two-year research project run by the University of Erlangen-Nuremberg and the Institute for Employment Research that aimed to identify starting points for reducing remaining pay differentials during collective wage agreement negotiations. The Committee further noted that the Ministry had commissioned the establishment of a checklist for collective wage agreements, which would be distributed to the social partners in order for them to verify that the agreements were non-discriminatory.

33. The Committee noted that, in March 2012, the Ministry had approved 10 regional equal opportunities alliances composed of policymakers and businesses and that each regional alliance had signed a written declaration pledging to ensure that men and women were paid equally for work of equal and equivalent value.

34. The Committee noted the Government's indication that a project had been launched by the German Association of Women in Agriculture, with the

Government, to ensure fair earnings perspectives for rural women. The first phase of the project had demonstrated that work-related decisions in rural communities prioritized the needs of the family over the individual and that the commonly held perception that family care was a woman's job limited women's employment prospects and contributed to the wage gap. The Committee also noted that, through the project, curricula would be developed to train equal-pay experts who would advise and support individual women and businesses in rural areas.

35. In addition, the Committee noted the information provided by the Government concerning the use of tools to promote pay equality. In particular, the Committee referred to the Logib-D equal pay assessment tool, a free online tool for calculating the wage gap between men and women adjusted for personal and employment characteristics, and to the equality-of-pay testing tool, eg-check.de. It further noted that an evaluation of the Logib-D pilot project was being prepared and that analysis of wage equality using eg-check.de was to be performed by the office responsible for anti-discrimination, in conjunction with private and public sector employers.

Convention No. 111

36. In its direct request of 2013, the Committee noted the Government's indication that the Women on Boards index collected data regarding the number of women on the supervisory boards of 160 public companies. It noted that, from 2010 to 2013, the percentage of women on supervisory boards had risen from 13 to 21 per cent. The Government indicated that, as part of the Women Shareholders Call for Equality project, members of the German Women Lawyers' Association visited shareholders' meetings of large public companies in order to obtain information about the advancement of women in the company. Moreover, the Committee also noted the findings of the Fraunhofer Institute study on women's career breaks, which had shown that an overall shift in corporate culture was necessary to increase women's representation in leadership positions and that efforts to change the corporate culture should target both women and men.

37. In relation to the reconciliation of work and family responsibilities, the Committee noted the adoption of the Family Care Time and Flexible Retirement for Civil Servants of the Federal Government Act (Federal Law Gazette No. 35 of 10 July 2013), providing civil servants with the same benefits provided for in the Family Care Time Act. The new law, it further noted, allowed civil servants to apply for part-time work for a maximum of 48 months, during which period an advance payment would be made to the employee by the employer. Upon return to full-time work, the employee would continue to receive the salary paid during family leave in order to gradually reimburse the wage advance granted. With regard to the Family Care Time Act, the Government indicated that it applied to all enterprises. The Government reported that, as at 27 June 2013, 213 applications for family care time loans or for inclusion in group insurance had been submitted by employers.

38. The Committee noted with interest that, between November 2010 and February 2012, the Federal Anti-Discrimination Agency had instituted a pilot programme through which five enterprises and three public sector employers depersonalized their job application processes with a view to increasing fairness in the selection of applicants by withholding the applicant's photograph, name, date of birth and marital status until a decision had been made on whether to invite the

candidate for an interview. The Government indicated that the results of the pilot programme had been overwhelmingly positive, with women and persons with a migrant background benefiting in particular.

39. The Government's most recent reports on Conventions Nos. 100 and 111 were received in 2016 and will be examined by the Committee of Experts at its session in November-December 2017.

C. Ireland

40. Of the relevant ILO conventions, Ireland has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 142, 176, 177, 182 and 189.

Comments made by the supervisory bodies of the International Labour Organization

41. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

42. In its direct request of 2013, the Committee noted from the report of the European Commission entitled "Progress on equality between women and men in 2012" that the gender pay gap (average gross hourly earnings) had increased from 12.6 per cent in 2009 to 13.9 per cent in 2010. The same report indicated that, while gender segregation in occupations had decreased from 27.9 per cent in 2007 to 26.3 per cent in 2012, it remained higher than the European Union average for that year (24.5 per cent). Gender segregation in economic sectors had also decreased from 23 to 20.7 per cent during the same period, but stood above the European Union average of 18.7 per cent for 2012. With regard to the underlying causes of the gender pay gap, the Government pointed to the high proportion of women in part-time employment (68 per cent of part-time workers), the prevalence of individualized pay bargaining coupled with strict confidentiality clauses, and the unequal burden of family responsibilities, with women responsible for more than 80 per cent of the tasks linked to the family. The Committee also noted the information provided by the Government on the policies and awareness-raising initiatives on gender equality at the national and European Union levels. The Committee asked the Government to provide detailed information on the measures taken or envisaged to more effectively address the structural causes of the gender pay gap, including in the context of the National Women's Strategy 2007-2016 and the European Pact for Gender Equality 2011-2020, and the impact of such measures on reducing pay differentials between women and men.

43. Regarding individualized pay arrangements, the Committee again asked the Government to indicate any measures taken or envisaged to examine the issue of more and higher bonuses to men, and to address, directly or indirectly, discriminatory practices in respect of payment of bonuses.

44. Moreover, the Committee noted that the Government had acknowledged the importance of the minimum wage in reducing the gender pay gap and suggested that many women working part-time were paid minimum wages. The Committee asked the Government to continue to provide information on the steps taken to improve enforcement of minimum wages and on the impact of such measures on the gender pay gap.

45. In relation to equality reviews and objective job evaluation, the Committee noted with interest the gender pay review template entitled "Gender pay reviews: a template for examination of gender pay in organisations", which had been researched, developed and piloted by the Irish Business and Employers' Confederation, supported by the Equality Mainstreaming Unit of the Equality Authority, and published in 2012 under the European Social Fund. The template had been developed with a view to assisting organizations in carrying out an objective equal pay review and to protect against future equal pay inequity. The template provided guidance, inter alia, on data collection and analysis, establishing pay rates, recruitment, performance management and promotion, and set out competency profiles and performance management ratings, a sample pay analysis, job profile and job evaluation methodologies.

Convention No. 111

46. In its observation of 2013, the Committee recalled its concern that article 41 (2) of the Constitution, providing that "the State recognizes that by her life within the home, woman gives to the State a support without which the common good cannot be achieved" and that "the State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home", might encourage stereotypical treatment of women in the context of employment, contrary to the Convention. The Committee noted the information provided by the Government on the establishment, in 2012, of a constitutional convention, made up of 66 citizens, 33 parliamentarians and an independent Chairperson, to make recommendations on constitutional reform, including with regard to article 41 (2), and welcomed the Government's indication that a sizeable majority of members of the convention had voted in favour of amending it with a view to adopting gender-neutral language. Nevertheless, the Committee noted that providing that carers should not be obliged by economic necessity to engage in labour to the neglect of their duties in the home, while aiming at recognizing the role of caregivers in society, was likely to apply mainly in practice to women, who, according to the Government's indication, were responsible for more than 80 per cent of family-related tasks. The Committee considered that the provision might continue to hinder the inclusion or re-entry of women in the labour market and requested the Government once again to consider reviewing it.

47. The Committee recalled that it had previously noted that section 2 of the Employment Equality Act excluded from the Act's scope of application with regard to access to employment "persons employed in another person's home for the provision of personal services for persons residing in that home where the services affect the private or family life of such persons". The Committee pointed out that, in practice, the broad and non-exhaustive definition of "personal services" in section 2 appeared to allow employers of domestic workers to make recruitment decisions on

the basis of the grounds of discrimination set out in section 6 (2) of the Act (gender, among others) and urged the Government to take steps to amend the relevant parts of section 2 of the Act.

48. In its direct request of 2013, the Committee noted the measures taken, in cooperation with the social partners, with a view to promoting equality of opportunity and treatment between men and women, such as various initiatives and guidance tools developed to address discrimination on the basis of pregnancy or maternity. The Government indicated that, since 2009, a total of 11,350 women had been assisted through the vocational training programmes implemented under the Equality for Women Measure 2008-2013, which aimed to promote women's entrepreneurship, as well as their access and return to the labour market.

49. In relation to the 2011 decision to create the Human Rights and Equality Commission by the merging of the Equality Authority and the Irish Human Rights Commission, the Committee noted the Government's indication that the members appointed to the new Commission had been requested by the Minister of Justice and Equality to undertake a review of additional staffing needs. It further noted that the bill establishing the new institution had been submitted to the Joint Oireachtas Committee on Justice, Equality and Defence for consideration.[1]

D. Jordan

50. Of the relevant ILO conventions, Jordan has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 98, 105, 122, 138, 142 and 182.

Comments made by the supervisory bodies of the International Labour Organization

51. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

52. In its observation of 2013, the Committee welcomed the Government's indication that the National Steering Committee for Pay Equity had been granted permanent and official status pursuant to a ministerial decree of 15 May 2013. It also noted the detailed information provided by the Government regarding the activities carried out by the National Steering Committee and its media and promotion subcommittee, which organized media and promotion activities with a view to raising awareness of pay and employment equity issues, including through the mass media and a recently developed pay equity website.

53. The Committee noted the legal review conducted by the National Steering Committee, with the support of ILO, which had been aimed at identifying and documenting the legal and practical obstacles hindering the achievement of pay equity in Jordan and at providing recommendations. The Committee noted that an action plan had been prepared in order to implement the study's recommendations

[1] The bill was adopted in 2014.

for improvement at the legislative level, and that a workshop had been organized in July 2013 by the Ministry of Labour, the National Steering Committee and the National Committee on Child Labour, in collaboration with ILO, in order to discuss specific amendments to the Labour Code of 1996 and its related Interim Act of 2010, prior to their consideration by the parliament.

54. The Committee recalled its previous comments with regard to the limitations on women's access to family allowance pursuant to section 25 of the Civil Service Regulations No. 30 of 2007, and once again asked the Government to amend it.

55. The Committee welcomed the amendments proposed in the legal review, providing for equal remuneration for men and women for work of equal value, "including work of a different type", and referring to the use of objective job evaluation methods to determine if jobs were of equal value. The Committee urged the Government to take the steps necessary to give full legislative expression to the principle of the Convention, and asked it to provide information on any measures taken or envisaged to promote objective job evaluation methods in the public and private sectors.

56. In its direct request of 2013, the Committee noted the measures taken to address the persistent pay gap between men and women, such as the study on the gender pay gap in the private education sector, which had been commissioned by the National Steering Committee, in collaboration with ILO, and published in 2013. The study showed that, although women represented 88 per cent of workers in private schools, the gender pay gap remained as high as 41.6 per cent. In private universities, women represented 30 per cent of the labour force, and the gender pay gap stood at 23.1 per cent. The study also indicated that some of the underlying causes of pay inequality included a lack of policy and regulatory framework incorporating the principle of equal remuneration for men and women for work of equal value, negative stereotypes regarding women's professional abilities and aspirations, limited participation in workers' organizations and limited access to vocational training. With regard to the recommendations emanating from the study, the Committee noted, inter alia, the need to develop and implement gender-neutral job evaluation methods in order to ensure gender equality in the determination of remuneration.

57. The Committee recalled that section 3 (b) of the Labour Code provided that agricultural workers, domestic workers, gardeners and cooks would be governed by specific regulations. It noted the Government's indication that the regulations on agricultural workers had not yet been issued. The Committee further noted the information provided by the Government on complaints filed by domestic workers, including through embassies of countries of origin, and the Government's indication that female domestic workers were entitled to a monthly minimum wage of 110 Jordanian dinars. The Committee asked the Government to provide detailed information on the manner in which the principle of equal remuneration for work of equal value was applied to the groups of workers excluded from the scope of the Labour Code.

58. With regard to its previous comments on the importance of minimum wages as a means of promoting the application of the principle of the Convention, the Committee noted the Government's reference to the legal review, in which the National Steering Committee stated that the principle of equal remuneration for men

and women for work of equal value was not taken into consideration in the minimum wage fixing process and recommended adding a new subsection under section 52 of the Labour Code to include it. The Committee asked the Government to provide information on any follow-up action given to the recommendations of the Minimum Wage Committee and on its impact on the remuneration of women and men respectively. In relation to sectoral minimum wages, the Committee requested the Government to take proactive measures to ensure that the principle of the Convention was applied in the minimum wage setting mechanisms and that the rates fixed were free from gender bias. Moreover, the Committee once again asked the Government to indicate how, in practice, it was ensured that the principle of the Convention applied to workers in the qualifying industrial zone and to domestic workers.

59. The Committee welcomed the various initiatives undertaken by the Government to raise awareness among the general public, employers and their organizations, as well as government officials, of pay equity issues. It noted, in particular, that a number of capacity-building workshops for labour inspectors had been held, with the support of ILO, and had provided specific training on equal remuneration and non-discrimination.

Convention No. 111

60. In its observation of 2013, the Committee recalled the absence of legislative provisions clearly defining and prohibiting direct and indirect discrimination, covering all aspects of employment and occupation. The review conducted by the National Steering Committee for Pay Equity had proposed a range of amendments, including to section 4 of the Labour Code, to prohibit direct and indirect discrimination on the basis of gender and family responsibilities, among other grounds, with respect to any aspect of employment, working conditions, rights or benefits, promotion at work, training or termination. The Committee asked the Government to provide information on the steps taken to implement the recommendations.

61. The Committee also recalled the insufficient protection against sexual harassment in employment and occupation. The Committee noted that the National Steering Committee review recommended the amendment of section 29A (6) of the Labour Code, which provided, as the sole remedy, that workers subject to sexual harassment might leave their employment without giving notice. The review recommended also ensuring that workers had a right to a harassment-free environment, adding a specific definition of both quid pro quo and hostile environment sexual harassment and a wider range of remedies, as well as covering sexual harassment by co-workers. The Committee asked the Government to provide information on the steps taken to implement the recommendations.

62. Moreover, the Committee recalled that, pursuant to section 69 of the Labour Code, the Minister was to specify industries and occupations in which it was prohibited to employ women, and times during which women were not to work. It noted that Ordinance No. 6828 of 1 December 2010, which had been issued pursuant to section 69, excluded all women from working in a range of industries and occupations (sect. 2) and allowed women to work at night, after approval, in only a very limited number of sectors and jobs (sect. 4). While noting that the

Ordinance also prohibited the employment of pregnant and breastfeeding women in certain hazardous occupations (sect. 3), the Committee considered that the broad limitations on women's employment set out in sections 2 and 4 of the Ordinance constituted obstacles to the recruitment and employment of women and were contrary to the principle of equality of opportunity and treatment of men and women in employment and occupation. The Committee asked the Government to take the opportunity of the legislative review process to amend section 69 of the Labour Code and the corresponding Ordinance.

63. In its direct request of 2013, the Committee noted that, pursuant to amendments made in 2011 to section 5 (a) (5) of Regulation No. 90/2009, domestic workers were no longer prohibited from leaving the house without the householder's permission, but were required "to notify the householder before leaving the house or of any absence". With respect to section 5 (c), according to which if a worker ran away "without good cause attributable to the householder", the worker was to bear all financial obligations set out in the contract of employment, including repatriation costs, the Government indicated that payment of compensation for the termination of the employment contract, whether by nationals or non-nationals, could be ordered only by the courts. Noting the Government's explanation that the female domestic worker was required to inform the employer before leaving or being absent from work, the Committee considered that requiring migrant workers under section 5 (a) (5) to notify their employers that they were leaving the house, even when they were not working, could in practice limit their freedom of movement and that the limitations in section 5 (c), even if subject to judicial scrutiny, were vague and put the worker under threat of an excessive financial burden. The Committee expressed its concern that those provisions could increase migrant workers' vulnerability to discrimination and abuse based on prohibited grounds, including sex, race or colour. The Committee asked the Government to provide information on any steps taken or envisaged to effectively address the situation of dependency and vulnerability of migrant workers, including the revision of Regulation No. 90/2009, as amended, as well as on the activities of the Non-Jordanian Domestic Worker Committee.

64. Furthermore, the Committee noted that, pursuant to section 72 of the Labour Code, as amended by Interim Act No. 26 of 2010, enterprises with at least 20 women workers were required to provide adequate childcare facilities for children under 4 years of age. According to section 67, women were entitled to unpaid leave for one year to raise their children. The Committee drew the Government's attention to the fact that, while such provisions might be seen as corresponding to the needs of women who continued to bear an unequal burden of family responsibilities, they raised issues with respect to equality of opportunity and treatment, as they reinforced and prolonged social attitudes that hindered the realization of gender equality. The Committee pointed out that it was therefore important to move towards making arrangements and entitlements aimed at reconciling work and family responsibilities available to both women and men on an equal footing. Noting that the legal review conducted by the National Steering Committee proposed amendments to sections 67 and 72 of the Labour Code so as to extend their coverage to men and women with children, and in the context of the Labour Code review process, the Committee asked the Government to consider

amending those sections so as to guarantee equality of opportunity and treatment for men and women.

65. The Committee recalled the persistence of gender segregation in the public service and noted the Government's indication that, pursuant to Regulation No. 3/2013 on the selection of civil servants for higher-level jobs, appointments to leading posts were made on the basis of competencies and efficiency, regardless of sex. It also noted the Government's reference to the third National Strategy for Jordanian Women (2012-2015), which had been developed by the National Commission for Women and aimed to promote women's political empowerment and improve their participation in public life and government structures. The Committee asked the Government to provide information on the implementation of Regulation No. 3/2013, indicating the concrete steps taken to ensure that no stereotypical considerations were being given to women's suitability for certain posts upon appointment and the practical impact of such measures on women's access to higher-level positions in the public service. The Government was also asked to provide detailed information on measures taken, in the context of the National Strategy, to address occupational gender segregation in the public service.

66. Recalling its previous comments regarding the need for continued measures to promote women's access to a wide range of training opportunities and occupations, the Committee noted that, according to the statistics provided by the Government on the enrolment of men and women in vocational training programmes in 2012, the rate of female participation in higher-level courses remained particularly low. The Committee asked the Government to continue to pursue its efforts to promote women's access to training, including in remote areas, with a view to addressing occupational gender segregation and enabling them to effectively access a wider range of jobs.

67. The Committee noted the collective agreement for the period 2013-2015 concluded between the Jordan Garments, Accessories and Textiles Exporters' Association and the Association of Owners of Factories, Workshops and Garments on the one hand, and the General Trade Union of Workers in Textile, Garment and Clothing Industries on the other, which contained a specific clause prohibiting discrimination on sex, among other grounds.

68. The Committee welcomed the training that had been provided to labour inspectors in August 2013, in the context of ILO technical assistance, with a view to increasing their capacity to identify issues of discrimination and unequal pay.

69. The Government's most recent reports on Conventions No. 100 and 111 were received in 2016 and will be examined by the Committee of Experts at its session in November-December 2017.

E. Micronesia (Federated States of)

70. The Federated States of Micronesia is not a member of ILO.

F. Rwanda

71. Of the relevant ILO conventions, Rwanda has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 89, 98, 105, 122, 138 and 182.

Comments made by the supervisory bodies of the International Labour Organization

72. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

73. In its observation of 2012, repeated in 2014, the Committee recalled that the definition of the expression "work of equal value" in section 1.9 of Law No. 13/2009 of 27 May 2009, regulating labour, referred only to "similar work" and that this Law did not contain any substantial provisions prescribing equality of remuneration for men and women for work of equal value. It noted that the Government had referred again in its report to article 37 of the Constitution, which referred to "equal wage for equal work". It further noted the Government's indication that, in practice, there was no discrimination between men and women with regard to remuneration and also its commitment that, at the legislative level, full effect would be given to the principle of equal remuneration for men and women for work of equal value when the Law was revised. The Committee asked the Government to amend it.

74. In its direct request of 2012, repeated in 2014, the Committee recalled that in its previous comments it had asked the Government to clarify the content of section 12 (non-discrimination criteria) of Law No. 13/2009, since the Kinyarwanda, English and French versions of section 12 differed. The Government had indicated that the purpose of that section was to ensure equal remuneration for work of equal value while prohibiting all discrimination based on the specified grounds. It had also stated that differences between the Kinyarwanda and English versions, which referred to salary, and the French version, which did not, would be examined in the context of the revision of the Law. The Committee asked the Government to report on progress made in that regard.

75. The Committee also noted the Government's indication that a statistical framework relating to gender and gender indicators had been drawn up in four sectors of activity in order to provide a basis for the assessment of pay differentials between men and women.

Convention No. 111

76. In its observation of 2012, repeated in 2014, the Committee noted the Government's explanation that the prohibition of direct or indirect discrimination, established under section 12 of Law No. 13/2009, covered all stages of employment, including recruitment, and that an act did not need to be intentional to constitute discrimination within the meaning of that section. In addition, the Committee once again requested the Government to take the steps necessary to align the different

linguistic versions of section 12 so that they explicitly prohibited any direct or indirect discrimination in employment and occupation with regard to access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

77. The Committee further noted that no legal proceedings had been instituted on the basis of any of the prohibited grounds of discrimination, nor had any penalty been imposed.

78. The Committee noted the Government's indication that a provision specifically concerning sexual harassment and covering quid pro quo and hostile environment sexual harassment would be included in Law No. 13/2009, when revised. The Committee requested the Government to provide information on progress made in that respect and on any other provisions adopted on sexual harassment in employment and occupation.

79. In its direct request of 2012, repeated in 2014, the Committee noted the information supplied by the Government concerning the measures taken to promote education for girls by the Ministry of Education (free schooling for nine years, scholarships, etc.) and the adoption, in 2012, of a new national gender policy, which provided for the implementation of measures combating the social, cultural and economic factors that obstructed the participation of girls and women at all levels of education, particularly in fields traditionally occupied by men.

80. The Committee welcomed the numerous measures adopted by the Government to foster gender equality in employment and occupation and promote greater autonomy for women in economic terms, especially with regard to access to credit and land, in particular the establishment of a guarantee fund for women and the adoption of Organic Act No. 08/2005 of 14 July 2005 regulating land ownership, section 4 of which prohibited any form of discrimination on the basis of sex with regard to access to land and the enjoyment of land rights and stated that men and women had equal rights regarding land ownership.

81. The Committee also noted the indication in the Government's report that a strategic plan for the employment of women had been adopted. Nevertheless, it noted that, according to the information in the introduction to the new national gender policy adopted in 2010, many women worked in the informal economy and most women in employment occupied low-level unskilled jobs. With respect to employment in the private sector, it also noted that the 2010 gender policy provided for the adoption of measures aimed at improving women's access to positions of responsibility in all sectors and to technical jobs and for the dissemination of better information on job opportunities to women. Provision had also been made for the adoption of legislation aimed at combating discrimination in the field of employment.

82. Furthermore, with regard to section 206 of the Civil Code, stating that the husband was the head of the household, and its negative impact on gender equality in employment, the Committee noted the Government's indication that the proposed amendments to discriminatory legislation submitted by the Ministry for Gender and Promotion of the Family had been examined in the context of the revision of the Penal Code, which had been due to be promulgated shortly thereafter, and the Family Code, which had been before Parliament at that time. The Committee

requested the Government to provide information on the new provisions adopted concerning gender equality in the context of the revision of the Penal Code and the Family Code and to specify which discriminatory provisions, such as section 206 of the Civil Code, had been repealed.

83. In relation to vertical occupational gender segregation in the public service, the Committee noted the statistical data provided by the Government concerning the representation of women in key public posts at the central and decentralized levels (2011) and data on the percentage of women in the public service by category (2010). It noted in particular that 38.4 per cent of senators, 56.25 per cent of deputies, 42 per cent of ministers, 50 per cent of Supreme Court judges and 70 per cent of High Court judges were women. Nevertheless, at the local level, very few women were district mayors (9.6 per cent). Moreover, statistics on the composition of the public service showed that women were greatly outnumbered by men in the six higher categories but accounted for nearly 61 per cent of staff in the general services.

84. The Committee welcomed the establishment by the National Institute of Statistics, in collaboration with the Gender Observatory, of a general framework for statistics disaggregated by sex aimed at enabling an evaluation of the situation of men and women in various fields. It also welcomed the importance given by the Observatory to the collection and dissemination of statistics disaggregated by sex and to the promotion of the use of such statistics vis-à-vis those responsible for formulating and implementing policies and measures relating to gender equality.

Convention No. 122

85. In its direct request of 2013, repeated in 2015, the Committee noted, in relation to the informal economy, that the Government had highlighted in its report the initiative taken under the Kuremera programme, which had been established to provide start-up capital to youth and vulnerable groups, including women street vendors, to acquire decent workplace premises in public markets.

86. The Government's most recent reports on Conventions Nos. 100 and 111 were examined by the Committee of Experts at its session in November-December 2016. New comments by the Committee will be made publicly available in February 2017.

G. Sri Lanka

87. Of the relevant ILO conventions, Sri Lanka has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 103, 105, 138 and 182. Sri Lanka ratified Convention No. 122 on 3 February 2016.

Comments made by the supervisory bodies of the International Labour Organization

88. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

89. In its observation of 2014, the Committee recalled its concern regarding the absence of legislation providing for equal remuneration for men and women for work of equal value and the limitations of the principle of equal wages arising out of wage ordinances and collective agreements to the "same" or "substantially the same" work. It noted the Government's statement that there were no specific provisions to ensure that minimum wages were paid for men and women without discrimination under the Wages Boards Ordinance, but that it was ensured that there were no different minimum wages for men and women determined by the wages boards. The Government therefore considered that there was no need to specifically indicate that employees should be paid their wages without discrimination based on gender. The Committee again urged the Government to take steps to give full legislative expression to the principle of equal remuneration for men and women for work of equal value.

90. With regard to the payment of additional emoluments, the Government repeated its statement that there was a legal requirement to pay wages in legal tender, but did not provide information on the practice of providing meals for men rural workers, but not for women. The Committee therefore once again asked the Government to take measures to ensure that all emoluments, whether in cash or in kind, were available and granted to men and women on an equal footing, and to provide information on any steps taken in that regard.

91. In addition, the Committee noted the notification of new wages board rates as of January 2013, made under the Wages Boards Ordinance, revising the minimum wages in a number of trades. It noted, however, that sex-specific terminology remained in use in the decisions of the wages boards. The Committee further noted from the Government's report that the simplification of the wages board system was in progress. In that context, the Committee again asked the Government to take the steps necessary to ensure that the rates of wages fixed by wages boards were based on objective criteria free from gender bias, so that work predominantly done by women was not undervalued compared with work predominantly done by men. The Government was also requested to take appropriate measures to ensure the use of gender neutral terminology in defining the various jobs and occupations in the Wages Boards Ordinance to avoid stereotypes concerning whether certain jobs should be carried out by men or women.

92. The Committee welcomed the inclusion, in the National Action Plan for the Protection and Promotion of Human Rights 2011-2016, of "equal pay for work of equal value" as an explicit objective to be achieved through the conduct of a study on introducing a job evaluation system. The Committee asked the Government to take steps to conduct the planned study in order to develop an objective job evaluation method based on the work to be performed and using objective criteria free from gender bias, such as qualifications and skills, effort, responsibilities and conditions of work.

93. In its direct request of 2014, the Committee noted the Government's statement that it was factually wrong to state that women were concentrated in lower-paid occupations. Noting that no data had been provided in support of that assertion, the Committee asked the Government to provide information on the distribution of men

and women and their corresponding level of wages in the various occupational categories (unskilled, semi-skilled, skilled, higher skilled and managerial occupations) in enterprises in export processing zones.

94. The Committee noted, from the Government's report, that a national pay commission had been established to evaluate the existing wage policy and to introduce a new wage policy applicable to both the public and the private sectors.

Convention No. 111

95. In its observation of 2014, the Committee recalled that, for a number of years, it had been urging the Government to introduce anti-discrimination provisions into its national legislation covering all aspects of employment and occupation and all the grounds enumerated in the Convention. It noted the Government's statement that constitutional provisions addressing discrimination were above all other legislation and were implemented effectively. The Committee recalled that the Constitution guaranteed equality before the law but generally protected only citizens against discrimination based on sex, among other grounds (art. 12), while guaranteeing the freedom to engage in employment and occupation (art. 14) and the right of every person to apply to the Supreme Court in respect of violations of those rights by the State (art. 17). It also noted the Government's indication that no discrimination cases in employment had been reported to the Department of Labour. The Committee again urged the Government to take the steps necessary to introduce anti-discrimination provisions in its national legislation.

96. The Committee noted that, in 2013, the labour force participation of women remained low, at 35.6 per cent (74.9 per cent for men), and had been relatively stable for the past 10 years. According to the 2013 data, women represented only 10.3 per cent of employers, 33.6 per cent of employees, 26.5 per cent of own-account workers and 78.5 per cent of contributing family workers. In that context, the Committee welcomed the approval of a comprehensive national plan of action for women and the establishment of specific units. It also welcomed the inclusion, in the National Action Plan for the Protection and Promotion of Human Rights 2011-2016, of measures regarding women's rights and gender equality in employment, including the formulation, through a consultative process, and the enforcement of a policy for the private sector adhering to the principle of non-discrimination, and research on the problems faced by working women. The Committee again asked the Government to provide information on the status of the women's rights bill.

97. The Committee recalled its previous comments regarding the absence of effective protection of workers against sexual harassment in employment and occupation, and welcomed the inclusion in the National Action Plan 2011-2016 of measures addressing sexual harassment, such as "reviewing and implementing an anti-sexual harassment policy in the government sector institutions" and establishing a mechanism in order to "monitor the implementation of the anti-sexual harassment policy in the private sector". It also welcomed the new Code of Conduct and Guidelines to Prevent and Address Sexual Harassment in Workplaces, developed in 2013 by the Employers' Federation of Ceylon in collaboration with ILO, which was an important step in combating that serious form of sex discrimination but was applied on a voluntary basis. In addition, the Committee

noted that the Government had referred to provisions in the Penal Code covering sexual harassment and stated that there was no need for a separate law in that respect. It also noted that section 345 of the Penal Code referred to "a person in authority" and requested the Government to clarify the scope of the section, indicating whether it applied to sexual harassment committed only by a person with authority or also by a co-worker, a client or a supplier of the enterprise.

98. In its direct request of 2014, the Committee noted the Government's indication that draft amendments to the Shop and Office Act, allowing women to work at night in the information technology business process outsourcing industry with a view to increasing their participation in the labour force, were being discussed by the National Labour Advisory Council. The Government indicated that the trade union representatives objected to the amendments, whereas the employers' representatives supported them. The Committee understood from the report that the Ministry of Labour had not yet taken any decision in that regard and requested the Government to provide information on any developments.

99. The Committee welcomed the adoption of the National Action Plan 2011-2016, which included labour rights as one of the eight focus areas and set "equal opportunities for all in both the public and the private sectors" as an explicit objective. It noted that, according to the Action Plan, discriminatory laws, policies and practices should be identified and amended or repealed.

100. The Committee noted that the statistics provided by the Government on the enrolment of trainees (2014), according to which women represented 36 per cent of trainees, showed that women were entering some non-traditional courses and information technology courses, but confirmed the existence of gender segregation in vocational training. The Committee requested the Government to provide information on the concrete measures taken or envisaged to address gender disparities in vocational training and to improve access for girls and women to education and vocational training, especially in traditionally "male" sectors, and on any measures aimed at maintaining their attendance in school or in training institutes.

101. The Committee welcomed the organization of workshops for labour officers on gender equality and women's rights.

H. Ukraine

102. Of the relevant ILO conventions, Ukraine has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 45, 87, 98, 103, 105, 122, 138, 142, 176 and 182.

Comments made by the supervisory bodies of the International Labour Organization

103. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

104. In its observation of 2014, the Committee noted, from the information provided by the Government and the State Statistics Service of Ukraine on average monthly wages and salaries of women and men, that the gender wage gap was 22.8 per cent in 2013 and 24 per cent in the first quarter of 2014 (compared with 23 per cent in 2009). Data from 2013 also showed a significant gap in the monthly wages of women and men in certain sectors of the economy, particularly in manufacturing (30.3 per cent), postal services (35.4 per cent) and sports, entertainment and recreation (37.8 per cent). The Government indicated that differences in wages were largely due to the system of the gender division of labour, with women being concentrated in sectors with relatively high educational requirements but lower wages, primarily in the public sector. The Government also indicated that the State Programme to Ensure Equal Rights and Opportunities for Women and Men 2013-2016 included activities aimed at reducing the gender gap in wages between men and women.

105. The Committee noted that, for a number of years, it had been commenting on section 17 of the Law on Ensuring Equal Rights and Equal Opportunities of Women and Men of 2006, which required the employer to ensure equal pay for men and women for work involving equal skills and working conditions, which was more restrictive than the principle set out in the Convention. Moreover, by linking the right to equal remuneration for men and women to two specific factors of comparison, the Committee considered that section 17 might have had the effect of discouraging or even excluding objective job evaluation on the basis of a wider set of criteria. Noting that the Labour Code was being amended, the Committee urged the Government to take the steps necessary to give full legislative expression to the principle of equal remuneration for men and women for work of equal value in both the Law on Ensuring Equal Rights and Equal Opportunities and in the draft labour code.

106. In its direct request of 2014, the Committee noted the Government's indication that the joint representative body of trade unions had developed a gender policy for use in collective bargaining and in regional and sectoral agreements. It noted the examples of industry-wide and sectoral agreements including provisions to ensure equal rights and opportunities for women and men, as well as those including commitments to recommend that collective agreements cover gender equality or gender issues. Nevertheless, none of the examples expressly addressed equal remuneration for men and women for work of equal value.

Convention No. 111

107. In its observation of 2014, the Committee noted with interest the adoption of the Law on Preventing and Combating Discrimination of 2012, amended in May 2014, prohibiting both direct and indirect discrimination and covering sex, among other grounds. It further noted that the Law applied, inter alia, to the areas of education, public service and employment relations (sect. 4) and established a policy to pursue affirmative action with the goal of eliminating inequality of opportunity (sect. 1 (5) and 7). In addition, the Employment Law, adopted in 2012 and amended in 2014, provided for protection against discrimination on an expanded set of grounds, including gender (sect. 11 (1)).

108. In its direct request of 2014, Committee recalled its previous comments requesting the Government to take into account the observations raised by the National Forum of Trade Unions of Ukraine to include gender, among other grounds, in the draft labour code provisions prohibiting discrimination, to prohibit HIV testing and to address restrictions on women's employment. The Committee noted the Government's indication that a working group had been set up to prepare the draft labour code. The Committee requested the Government to take into account the observations of the National Forum in the context of the drafting of the new labour code. It expressed its hope that the Government would ensure that the code provided for effective protection against direct and indirect discrimination on at least all of the grounds set out in the Convention and with respect to all aspects of employment and occupation and that restrictions on women's employment would be strictly related to maternity protection and not based on stereotyped assumptions regarding the type of employment suitable for women.

109. With regard to sexual harassment, the Committee recalled that section 17 of the Law on Ensuring Equal Rights and Equal Opportunities did not appear to cover situations in which conduct of a sexual nature created a hostile working environment, irrespective of whether there was a relationship of subordination between the harasser and the victim. It noted that sections 1 (7) and 5 of the Law on Preventing and Combating Discrimination seemed to prohibit pressure on a person due to certain characteristics leading to a hostile environment as a form of discrimination, but that it did not explicitly cover sexual harassment. The Committee requested the Government to consider expanding the definition of sexual harassment in the Law on Ensuring Equal Rights and Equal Opportunities to go beyond relationships of subordination and to cover hostile environment sexual harassment.

110. The Committee noted the statistics provided by the Government on the economic participation of men and women in different sectors and occupations indicating overall employment levels of 65.9 per cent for men and 55.3 per cent for women. The statistical information also showed that women workers were outnumbered by men in all sectors, with particular imbalances in forestry and construction, and that women and men were more equally represented in the sectors of education, health and financial services. Furthermore, the Committee noted the adoption of the State Programme to Ensure Equal Rights and Opportunities for Women and Men 2013-2016, which, according to the Government, included seminars, training, campaigns and research focusing on raising awareness and eliminating stereotypes regarding the equality of men and women.

111. The Committee further noted that the prohibition of discriminatory job advertisements provided for in section 17 of the Law on Ensuring Equal Rights and Equal Opportunities had also been incorporated into sections 11 (3) and 50 (5) (1) of the Employment Act of 2012 and, according to the Government, into the Advertisement Act of 1996 following amendments in 2013.

112. Lastly, the Committee noted that the Law on Preventing and Combating Discrimination empowered the Ukrainian Parliament Commission on Human Rights, as well as several other government bodies, to receive complaints (sect. 14) and to take a variety of measures to prevent and combat discrimination (sect. 10, 11 and 12).